

VIA FACSIMILE NO.: 703/305-7687

PATENT
HER07 P-107

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.	:	09/710,769	Confirmation No.:	5666
Applicants	:	Thomas Gebelc, Jürgen Henrich, Stefan Bangert, Jürgen Honekamp, Dr. Elisabeth Budke, Jürgen Ulrich and Dr. Helmut Grimm		
Filed	:	November 9, 2000		
Group	:	1763		
Examiner	:	Parviz Hassanzadeh		
For	:	ELECTRODE ARRANGEMENT		
Atty Docket No.	:	HER07 P-107		
Customer No.	:	28101		

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OCT 08 2003

OFFICIAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following papers are being facsimile transmitted to the Patent and Trademark Office on the date shown below:

1. Request for Withdrawal of Notice of Abandonment (2 pages)
2. Copy of the Notice of Abandonment (1 page)
3. Copy of the facsimile transmittal message confirmation sheet (1 page)
4. Copy of the Petition for Extension of Time filed on June 23, 2003 (1 page)
5. Copy of the Notice of Appeal filed on June 23, 2003 (1 page)

YOU SHOULD RECEIVE A TOTAL OF SEVEN (7) PAGES.

Dated: October 8, 2003.

FSB:djr
HER07 P-107

Donna J. Raaymakers
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Van Dyke, Gardner, Linn & Burkhart, LLP
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Serial No.	:	09/710,769	Confirmation No.:	5666
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

REQUEST FOR WITHDRAWAL OF NOTICE OF ABANDONMENT

The undersigned received the attached Notice of Abandonment dated October 2, 2003. Because the Notice is in error, a request is hereby made to withdraw the Notice of Abandonment.

Applicant filed a Notice of Appeal along with a request for a three-month extension of time on June 23, 2003. Enclosed are copies of such documents, along with a copy of the facsimile transmittal message confirmation sheet dated June 23, 2003.

The Patent Office PAIR system indicates in the status information for this file that a request for an extension of time paper was received on June 23, 2003, and that the extension was granted. However, the Patent Office PAIR system does not indicate receipt of the Notice of Appeal which was forwarded to the Patent Office along with the extension request.

Applicant also filed an Appeal Brief on September 23, 2003, along with a petition and fee for a one-month extension of time.

Serial No. : 09/710,769
Applicants : Thomas Gebele et al.
Request for Withdrawal of Abandonment : Faxed October 8, 2003
Page : 2


Withdrawal of the Notice of Abandonment is hereby requested.

Respectfully submitted,

THOMAS GEBELE ET AL.

By: Van Dyke, Gardner, Linn
& Burkhardt, LLP

Dated: October 8, 2003.


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FSB:djr
HER07 P-107

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Notice of Abandonment

Application No.

09/710,769

Examiner

Parviz Hassanzadeh

Applicant(s)

GEBELE ET AL.

Art Unit

1763

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 30 December 2002.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☒ A proposed reply was received on 4/1/03, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

GREGORY MILLS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.